Labour and Workforce Development

OCCUPATIONAL HEALTH AND SAFETY DIVISION

ANNUAL REPORT

For the year April 1, 2008 to March 31, 2009

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Executive Summary and Highlights

The highlights of the Division's operations in 2008/2009 include:

1. The Division became part of the newly created Department of Labour and Workforce Development on April 1, 2008. The restructuring had no immediate impact on the Division's essential operations.

2. The Division completed work on a unified regulatory framework for undersea coal mining in Nova Scotia. In cooperation with the federal government and the underground mining industry and workers, the Government passed new Underground Mining Regulations.

3. The Division implemented its strategic planning process that identifies present and future OH&S issues, researches their implications and, in cooperation with the Advisory Council, ranks them in priority. In accordance with the plan, the Division worked on the following issues in 2008/2009:
   a. Ergonomics
   b. Education
   c. Training
   d. Research
   e. Fall Protection and Scaffolding
   f. IRS
   g. LNG
   h. Targeting.

   Although WHMIS was on the strategic plan for 2008/2009, it was not worked on as such work must wait for a national approach to be started.

4. The Division implemented its internal Strategic Plan to address major operations within Inspection and Compliance Services.

5. The Division implemented a new Complaint Handling System. In this system, complaints that are unlikely to result in serious harm in the immediate future are handled by office staff. This frees up field officers to handle more urgent matters. The system was tried successfully on several complaints.

6. The Division worked on revisions to or creation of:
   a. Underground Mining Regulations
   b. Liquefied Natural Gas Regulations
   c. Canada - Nova Scotia Offshore Accord Implementation Act.

7. The Division continued to use and improve its Activity Tracking System that aims to generate better information on staff activities.

8. The Division continued work on an ISO-9001 compliant Quality Management System.

9. Related to the Quality Management System, in the area of client satisfaction, the Division continued to receive high scores in client satisfaction in the areas we currently survey - namely the Internet and the publication mail-out.

10. The Division launched a broadcast e-mail system called "OHS News". Six e-mails were sent in 2008/2009, with a readership growing from 105 recipients for the first e-mail to 426 recipients for the last one in this fiscal year.

11. The Division participated in the development of national standards by:
    a. Serving on Canadian Standards Association technical committees addressing ergonomics, occupational diving, hard hats and guarding;
    b. Participating in the review of the WHMIS laws and their potential harmonization with international standards through the Globally Harmonized System of Classification and Labelling of Chemicals; and
    c. Serving on various interjurisdictional committees, such as the Canadian Association of Administrators of Labour Legislation and Representatives of the Atlantic Provinces.

12. The Division continued to work with the agency partners making up the Workplace Safety and Insurance System. The partners arranged for 2 stakeholder consultations during the fiscal year. All WSIS committees - Coordinating Committee, Heads of Agencies Committee, Strategic Performance Advisory Committee, Issues Resolution Committee and Joint Committee - were active during the fiscal year.

13. A number of social marketing campaigns were active during the fiscal year, including campaigns on television and radio, in print and initiatives on the Internet.

Introduction

This is the report from the Occupational Health and Safety Division to the Occupational Health and Safety Advisory Council for the period April 1, 2008 to March 31, 2009. These reports are submitted annually in accordance with clause 9(f) of the Occupational Health and Safety Act to report on activity and provide a review of the administration of the Act and associated programs.

Where injury data is presented, the Division is not the sole source of the data. Thus, the Division cannot answer accurately or in detail as to the source, quality or trends of the data. If such information is required, the reader is encouraged to contact the organizations from which the data was obtained.

This report is divided into six basic areas:

- Division Mandate, Objectives and Organization
- Review of the Occupational Health and Safety Act
- Review of compliance with the OH&S Act and regulations
- Review of Performance Measures
- Review of Divisional Operations
- Other Items Included as Information.

In this document, the following short forms are used:

"Act" means the Occupational Health and Safety Act
"Advisory Council" means the Occupational Health and Safety Advisory Council
"Division" means the Occupational Health and Safety Division of LWD
"LWD" means the Department of Labour and Workforce Development
"HRSDC" means Human Resources and Social Development Canada - Labour Program
"IRS" means the internal responsibility system
"JOHSC" means Joint Occupational Health and Safety Committee
"OH&S" means occupational health and safety
"SIC" means the Standard Industrial Classification - a number assigned to companies within the same industry
"WCB" means the Workers' Compensation Board of Nova Scotia
"WSIS" means the Workplace Safety and Insurance System, composed of the Division, the WCB, the Workers' Compensation Appeal Tribunal, the Workers' Advisers Program and, participating as appropriate, HRSDC.

Division Mandate, Objectives and Organization

In 2008/2009, the mission of Nova Scotia LWD was to create winning conditions by fostering the social and economic well-being of Nova Scotians by:

- Protecting Nova Scotia's people and property;
- Anticipating and responding to workforce needs;
- Promoting safety at work, home and play;
- Ensuring fairness at work;
- Supporting life-long learning; and,
- Building capacity to seize opportunities..

In 2008/2009, the Division operated within LWD. The Division's Mission Statement, within the context of WSIS, is:

To establish, promote and enforce clear standards to reduce occupational injury and illness.

The objectives of the Division are to:

- together with our partners, reduce the incidence of injury and illness of employees;
- improve the understanding of occupational health and safety standards by all workplace parties; and
- improve health and safety conditions in the workplace by means of promotion, research, inspection, investigation and enforcement of laws.

Appendix A gives an organizational chart for the Division as of March 31, 2009.

Review of the Occupational Health and Safety Act

This review of the Occupational Health and Safety Act includes two areas:

1. court decisions that have implications for the enforceability or interpretation of the Act
2. progress made on the Division's Multi-Year Priorities as set out in 2005.

Court Decisions:

In 2008/2009, there were seven court decisions that came to the Division's attention that are seen as having an impact on OH&S:

1. R. v. Mersey Seafoods Ltd., 2008 NSCA 67

In a unanimous decision, the Nova Scotia Court of Appeal has ruled that high seas fishing - occasionally as far away as Greenland - is provincially regulated. The court rejected the argument that the fishing vessels were federally regulated because of the federal jurisdiction over navigation and shipping. According to the court: "Mersey Seafoods' provincially based fishing operation does not become a federal undertaking just because its vessel fishes outside the boundary of Nova Scotia. That its vessel navigates does not convert Mersey Seafoods to a federal undertaking . . .. Nova Scotia's OHS Act applies to Mersey Seafoods under s. 92(13) [of the Canadian Constitution Act], as an aspect of labour relations or management of an undertaking, and does not offend the exclusive federal legislative jurisdiction over navigation and shipping under . . . Any impact of the OHS Act on navigation and shipping is incidental. That Mersey Seafoods also is subject to federal legislation governing navigation and shipping is the double aspect doctrine at work under our system of cooperative federalism".
The court reinstated 8 charges that had previously been dismissed and sent the case back to the Provincial Court for retrial.

2. Fundy Linen Service Inc. v. Workplace Health, Safety and Compensation Commission, 2009 New Brunswick Court of Appeal 13 - 48-08 - CA

The New Brunswick Court of Appeal overturned a decision of the Appeals Tribunal of the Workplace Health, Safety and Compensation Commission. The Appeal Court cited political interference by the MLA of an employee of the appellant. The MLA is alleged to have met with the Commission and appeared as a witness before the Tribunal on his constituent's behalf. The court concluded: "the reasonable bystander would consider most of the MLA's remarks and actions as inappropriate political interference at both the Commission and tribunal level. In effect, the MLA was asking the Appeals Tribunal to jettison the notion of impartiality in decision-making and side with one of the parties for improper reasons."
The matter was referred back to the Workplace Health, Safety and Compensation Commission for reconsideration.

3. Durling v. Sunrise Propane Energy Group Inc., 2008 (ON S.C.)

After a propane explosion damaged nearby houses, residents suing the propane company sought access to government records related to the investigation of the explosion. At the time, the

investigation had not been completed and the government resisted producing some documents on the grounds that it would be "prejudicial to the ongoing investigations and contrary to the public interest".
The court agreed with the plaintiff's argument that refusing to release the information would greatly harm their law suit. In a balance of investigative privilege versus the rights of the plaintiff, the court ordered the government to produce:

1. copies of all photographs, aerial photos, videos or sketches that depict (I) the condition of the site after the explosion and fire but prior to disturbance of the site, (ii) any movement of items during or following the explosion and (iii) any items removed from the site, together with any documents or portion of documents that serve to identify the photos.
2. copies of witness statements, will-say statements or interview notes with witnesses if no statement or will-say statement exists (the court allowed the names and contact information of witnesses to be removed).

4. R. v. Kal Tire Ltd., 2008 ABCA 416

The Alberta Court of Appeals declined to hear an appeal of a conviction related to safety training. In this case, "management delegated training to an experienced operator of the same machine, and left it to him to let the injured man learn by watching him and copying him and asking questions." The trial court had earlier ruled that "it was not sufficient simply to tell an experienced reliable worker to 'show the new worker how it is done' "

5. R. v. Fisher & Ludlow, 2008

The Ontario Court of Justice has convicted a company for failing to adjust the duties of an injured worker, saying that the failure resulted in an injury. The case dealt with an employee who was using a remote control device to manipulate a crane. The Ministry found that the worker had reported a hand injury to the employer three days previously and so, for this work on the day of the injury, had switched hand positions and used his non-dominant hand where the dominant hand would normally have been used. The worker's finger became caught and crushed between a grating and a hook used to attach the crane to the grates. The court concluded that the employer failed to take the reasonable precaution of providing work within the worker's physical limitations. This was found to be a contributing factor in the injury and the failure was found to violate Ontario's general duty clause (section 25(2)(h) of the Occupational Health and Safety Act).

6. R. v. Ion Cenuser, 2008

The Ontario Court of Justice has sentenced a plumbing contractor to seven days in jail and a fine of $3,750 for pushing an Ontario Ministry of Labour health and safety inspector. The incident occurred at a construction site during a follow-up inspection. The owner of a plumbing contracting business working on the site shouted and swore at the inspector and, finally, grabbed and pushed the inspector across a trailer. The owner was convicted on one count of hindering, obstructing, molesting or interfering with an inspector in the exercise of a power or the performance of duty.

7. WCB v. Canada, 2007 NWTSC 109

The issue is whether territorial occupational health and safety laws apply to private contractors and their employees when working on a federal mine reclamation project on federally-owned lands in the Northwest Territories. The case is fundamentally about a question of interjurisdictional immunity, but one posed in a most peculiar way. When these types of cases arise ordinarily the federal government would be arguing that the provincial law of general application (or in this case territorial law) has no applicability to the federal undertaking. The other level of government would be arguing that it did. Here the situation is turned upside down. The applicant, a territorial entity, seeks a declaration that the territorial legislation that it administers, and that applies generally to mine safety and construction, does not apply to the federal project in question in this case. This is not a question of the validity of any legislation, merely its applicability.

The court concluded, there is no doubt that the *Mine Health and Safety Act* is a validly-enacted legislation. Ordinarily it applies to all mine sites in the Northwest Territories. And it would ordinarily apply to these private contractors working on a mine site. But in this case, we have a project on federal land run and controlled by the federal government. The work being conducted by these contractors is an integral part of the overall federal reclamation project for the Colomac site. As a matter of constitutional doctrine, the project is immune from the jurisdictional authority of the Northwest Territories. The *Mine Health and Safety Act* does not apply to this project on this land.

This result, however, does not leave a regulatory vacuum whereby no safety legislation applies. Part II of the *Canada Labour Code* applies because this is a federal undertaking within the legislative authority of Parliament. The Code applies to both government employees and the private contractors and their employees. In addition, the government can require, by contract, that its contractors comply with the requirements of the *Mine Health and Safety Act* even though it cannot compel territorial officials to enforce it.

The judge agreed with the submission made on behalf of the applicant (Northwest Territories WCB) that trying to apply the territorial statute and regulations only to some personnel and only to certain things on the site would lead to a state of administrative confusion. There would be endless disputes over which law applies. The application of one law to the project would alleviate the very real potential for confusion.

Progress on 2005 Divisional Priorities:

In July, 2005, the Minister stated the Division's priorities for the next several years. The progress on those priorities as of March 31, 2009 is set out below.

Priority	Status	Comments
Repeal Radiation-Emitting Devices Regulations	Completed 2005/2006	
Create Governance and Accountability Framework for WSIS	Completed 2005/2006	Done in cooperation with WSIS partners
Diving Strategy	Completed 2006/2007	Strategy completed, including: • province-wide education sessions • training enabled through partners • guidance and plain language documents • regulations
Create strategy to address workplace violence	Completed 2007/2008	Strategy completed, including: • province-wide education sessions • social marketing • guidance and plain language documents • codes of practice • regulations
General Blasting Regulations	Completed 2007/2008	Review of technical regulations completed and blaster certification transferred to Apprenticeship Training and Skill Development Division
Add high hazard offences as Summary Offence Tickets	Completed 2007/2008	Department of Justice advises that the wording of the current regulations precludes the creation of Summary Offence Tickets. SOTs will be considered as each regulation is updated and wording is changed.
Create strategy to promote the Internal Responsibility System	2006 -	Discussion paper issued and comments gathered. Strategy being finalized.
Underground Mining Regulations	Completed 2008/2009	Regulations passed.
Create strategy to address Liquified Natural Gas Regulations	Completed 2008/2009	Regulations being combined with a larger review of the Occupational Safety General Regulations.

Priority	Status	Comments
Create appropriate OH&S regime in the offshore area	2000 -	Negotiations with the federal government and Newfoundland and Labrador continue.
Create strategy to address ergonomic injuries	2003 -	Created self-help documents Collaborated on WCB on ergonomics booklet
Create strategy to address chemical and physical agent exposure	2003 -	Participated in efforts to update WHMIS laws to harmonize with the Globally Harmonized System
Create strategy to address falls from heights	2003 -	Working group formed to consider changes to the regulations.

Progress on 2008/2009 Environment and Labour Business Plan Priorities:

In 2008/2009, the Division was also assigned priorities within the larger Department of Labour and Workforce Development Business Plan. The Division's priority was to promote safe and healthy workplaces/work practices and safe facilities and equipment. Specifically, the Division's priority was to improve the overall safety of Nova Scotia workers through an integrated and strategic approach to workplace safety that includes

1. effective initiatives on accident prevention, the internal responsibility system and ergonomics developed collaboratively with the Workers Compensation Board and other Workplace Safety and Insurance System partners
    a. The Division continued work on the Internal Responsibility System Strategy. In 2008/2009, a discussion paper was released and comments received and analyzed.
    b. The Division continued to work with the agency partners of WSIS. The partners arranged for 2 stakeholder consultations during the fiscal year. All WSIS committees - Coordinating Committee, Heads of Agencies Committee, Strategic Performance Advisory Committee, Issues Resolution Committee and Joint Committee - were active during the fiscal year.
    c. In cooperation with the WCB, the Division worked on incorporating OH&S into the public school grade 9 curriculum. The instruction will be offered as part of the compulsory Healthy Living program,
2. improved compliance with existing laws
    a. A number of social marketing campaigns were active during the fiscal year, including campaigns on television and radio, in print and initiatives on the Internet.
    b. The Division implemented a new Complaint Handling System. In this system, complaints that are unlikely to result in serious harm in the immediate future are handled by office staff. This frees up field officers to handle more urgent matters. The system was tried successfully on several complaints.
3. continuing the roll out of the multi-year plan for Occupational Health and Safety including responding to recommendations from the OHS Advisory Council for improvement in the internal responsibility system and the updated Underground Mining Regulations
    a. The Division finalized a multi-year plan and, in agreement with the Advisory Council. Table One shows the plan.
    b. The Division completed work on a unified regulatory framework for undersea coal mining in Nova Scotia. In cooperation with the federal government and the underground mining industry and workers, the Government passed new Underground Mining Regulations.
    c. The Division conducted a public consultation on the IRS. At year end, the results were being analyzed.
4. introducing Liquified Natural Gas Regulations and additional Summary Offence Regulations
    a. At year end, the Liquified Natural Gas Regulations had been drafted but not implemented.

b. The Department of Justice advice that, as written, most of the current OH&S regulations would not support summary offence ticket (SOT) provisions. The Division will therefore look to insert SOTs as regulations are updated.

5. ongoing development and refinement of occupational health and safety regulatory and non-regulatory instruments focusing on priority issues: ergonomics, fall protection, traffic safety and occupational health
   a. The Division worked on revisions to or creation of:
      i. Underground Mining Regulations
      ii. Fall Protection and Scaffolding Regulations
      iii. Summary Offence Ticket Regulations
      iv. Liquefied Natural Gas Regulations
      v. Canada - Nova Scotia Offshore Accord Implementation Act.
   b. In consultation with the WCB, the Division started work on a provincial ergonomics strategy. The strategy will likely take several years to be fully implemented. In addition, the Division is represented on a Canadian Standards Association technical committee that aims to develop a national ergonomics standard.
   c. In consultation with the Advisory Council, the Division started work on updating the Fall Protection and Scaffolding Regulations. The work included 3 focus groups and the creation of an Advisory Council sub-committee to conduct a detailed review.
   d. The Division supported on-going work to update the Temporary Workplace Traffic Control Manual.
   e. The Division continued to support work on reducing the radiation risk from radon exposure. In addition, a survey of radiation risks at veterinarian facilities was completed and work started in collaboration with the Nova Scotia Veterinary Medical Association.
6. consultation with stakeholders on changes to the Workplace Hazardous Materials Information System (WHMIS)
   a. Consultations continued with federal WHMIS partners. Full scale work will not start until a national approach is developed.
7. continued collaboration with the federal government and other stakeholders in delivering our programs
   a. The Division continued to collaborate with the federal government in ongoing coordination committees. In addition, preliminary work was started on a brochure that would explain to truckers which jurisdiction they fall under.
8. consultation with stakeholders on revisions to the Offshore Accord Act
   a. Negotiations continued with the governments of Canada and Newfoundland and Labrador on a new Canada - Nova Scotia Offshore Accord Implementation Act.

Table One
Division Multi-Year Plan

2008/09	2009/10	2010/11	2011/12	2012/13
Ergonomics	Immigration & Non-permanent/ non-traditional workers (workers in precarious employment arrangements)	Working Alone	Compliance Promotion for Regulations	Supply chain operations
Education		New Workers	Mediums of Communication	Workplace Violence
Training		Ageing Workers	Occupational Health Regulations	OSGR
Research	Fall Protection and Scaffolding	Temporary Workplace Traffic Control Regulations		
Fall Protection and Scaffolding	Ergonomics	9.	10.	11.
WHMIS	Education	12.	13.	14.
IRS	Training	15.	16.	17.
LNG	Research	18.	19.	20.
Targeting	WHMIS	21.	22.	23.
	IRS	24.	25.	26.
	Targeting			

In addition to the specific priorities mentioned above, the Division:

1. Implemented an internal Strategic Plan to address major operations within the Inspection and Compliance Section..
2. Continued work on an ISO-9001 compliant Quality Management System. Related to the Quality Management System, in the area of client satisfaction, the Division continued to receive high scores in client satisfaction in the areas we currently survey - namely the Internet and the publication mail-out.
3. Participated in the development of national standards by:
   a. Serving on Canadian Standards Association technical committees addressing ergonomics, occupational diving, hard hats and guarding;

b. Serving on various interjurisdictional committees, such as the Canadian Association of Administrators of Labour Legislation and Representatives of the Atlantic Provinces.

4. Continued to support Environment and Labour projects aimed at developing a comprehensive Regulatory Management Policy.

Review of Compliance with the OH&S Act and Regulations

Compliance by the Division

The Act and regulations establish several requirements on the Division. In all cases where the requirement was triggered, the Division met the requirement.

Compliance by Outside Organizations

Compliance by outside organizations who are required to comply with the Act is currently gauged primarily through an IRS Checklist which is administered during certain categories of inspections. The IRS checklist results revealed the following summary statistics.[1] Appendix B has a detailed listing of the checklist findings.

Internal Responsibility System Measure	**% Meeting New Standard**		**% Meeting Previous Standard (Data for firms with 20 or more workers only)**		
	2008/ 2009	**2007/ 2008**	**2006/ 2007**	**2006/ 2006**	**2004/ 2005**
OH&S policy and program issues	71.3%	68.8%	74%	52%	68%
JOHSC issues	67.1%	62.2%	74%	49%	71%
Communication and information	59.0%	58.5%	73%	48%	69%
Training	63.3%	57.5%	No equivalent questions in previous checklist		
Records	69.0%	65.6%			

Of note is the fact that, in all categories in the above table, the 2008/2009 figures were better than the previous year's. In addition, looking at the detailed data in Appendix B, 21 of the 27 indicators (78%) showed an improvement from the previous year.

In interpreting the above results, it is important to realize that there is an inspection targeting system that directs the Division's inspections at organizations with higher accident rates. Thus:

- the results above are NOT indicative of the "average" situation in Nova Scotia companies
- as a result of targeting, the results are most likely biased to under-report actual average conformity with the elements of the IRS. The size of the bias is not known.

[1] Note that, with the implementation of the Activity Tracking System in 2007/2008, the questions used on the IRS checklist changed. Thus, while data from previous years is presented here, comparisons must be made with caution.

Review of Performance Measures

The Division measures its performance in four ways:

1. The outcomes and outcome measures established for the Division in the Department's Business Plan;
2. Through compliance with our Quality Management System Objectives;
3. Through surveys of client satisfaction; and
4. The outcomes and outcome measures established for the Division through the WSIS process.

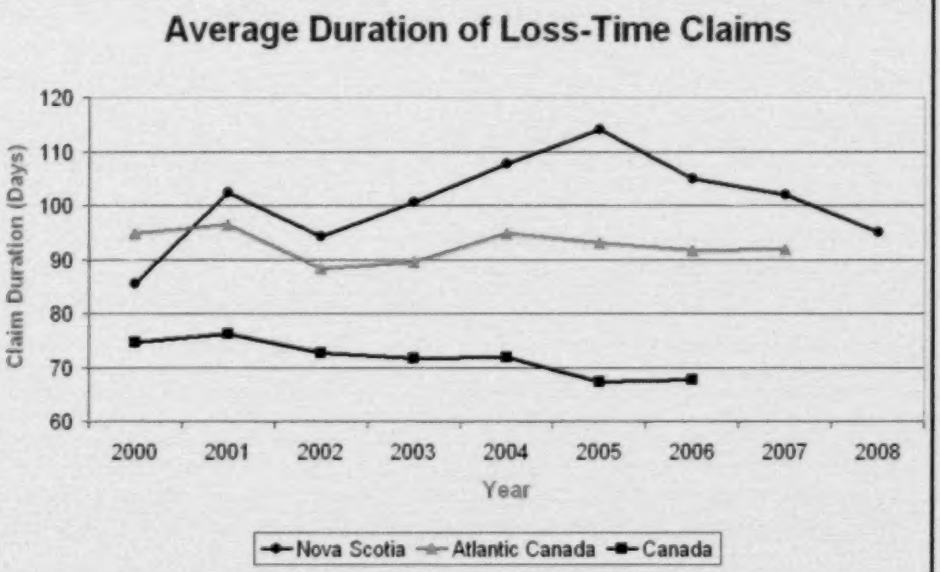
The following sections report on these performance measures.

Business Plan Performance Measures

The Division is accountable for meeting the outcomes and outcome measures noted in the Department's 2008/2009 Business Plan. These are listed below. Appendix C gives details for all three measures.

Measure Average duration of Workers' Compensation lost-time claims compared to the Atlantic Canada and national averages

Target = maintain or decrease the average number of compensable days relative to the Atlantic Canada average



Description of Target, Trend, Comparison/Benchmark:

The target has not been met on an annual basis since 2000.

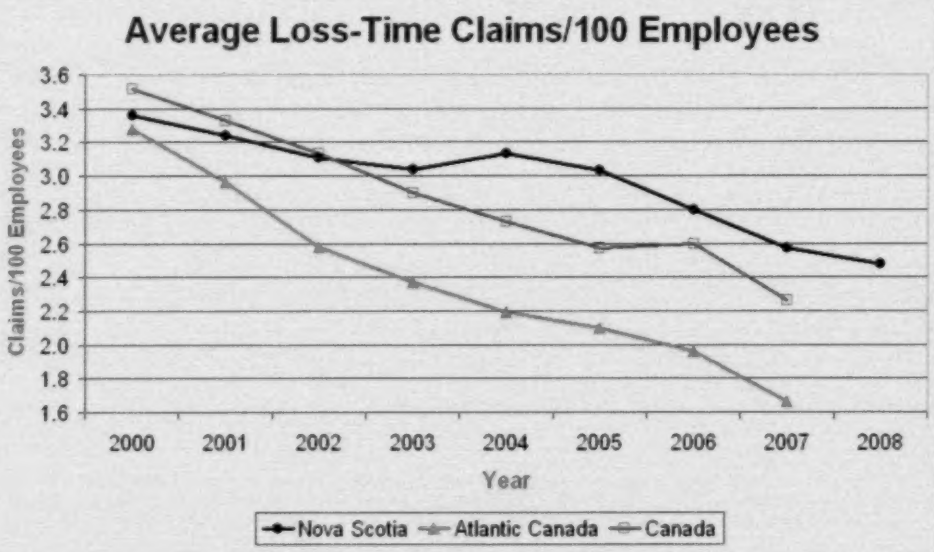
The national average includes only those jurisdictions that report on the measure to the Association of Workers' Compensation Boards of Canada, from which this data comes.

Strategies to Achieve Target:

- work closely with WCB, through WSIS, to identify high accident firms, sectors and type of accidents
- work with the WCB, through WSIS, to increase OH&S promotion and education
- continue to develop a targeted risk-based inspection system which reflects claim duration.

Measure	Annual average number of new registered WCB loss time claims per hundred estimated WCB registered employees compared to the Atlantic Canada and national averages

Target = maintain or decrease the number of WCB loss time claims compared with the national average



Description of Target, Trend, Comparison/Benchmark:

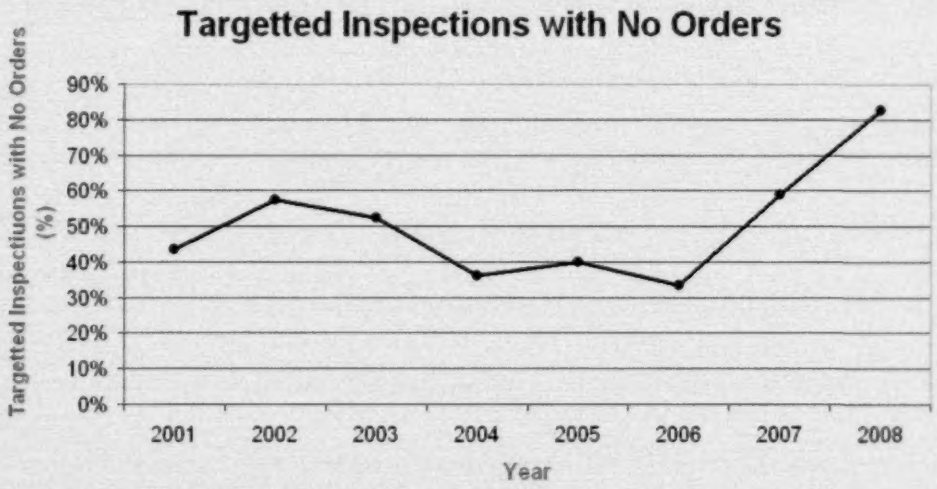
Nova Scotia continued a 3-year decline in the injury rate. Due to the time lag for data to which Nova Scotia's data is compared, no comment is made on Nova Scotia's recent performance compared to other jurisdictions.

Strategies to Achieve Target:

- work closely with WCB, through WSIS, to identify high accident firms, sectors and type of accidents
- work with the WCB, through WSIS, to increase OH&S promotion and education
- continue to develop a targeted risk-based inspection system which reflects claim frequency.

Measure Annual percentage of targeted inspections where an OH&S order is not issued

Target = increase the percentage from the base year measure



Description of Target, Trend, Comparison/Benchmark:

To meet the annual target, the percentage of inspections without orders must be greater than the base year measure of 43.5% (2001). The Division saw substantial increases in this measure in 2007/2008.

Strategies to Achieve Target:

- implement the new strategic planning and targeted inspection activities
- work closely with WCB, through WSIS, to identify high accident firms, sectors and type of accidents
- work with the WCB, through WSIS, to increase OH&S promotion and education
- continue to develop a targeted risk-based inspection system
- provide self-help resources to workplaces to improve compliance.

Quality Management System Objectives and Targets

Quality Objective	What We Measured	Target	2008/ 2009	2007-2008	2006-2007
Ensure client satisfaction	1. Average client satisfaction based on requested feedback from clients on the Division's services and products, such as publications, e-mail, and website surveys	75%	85%	85%	89%
	2. Requests for service recorded in the ATS will be assigned within 7 calendar days from receiving them	70%	43	**	84%
	3. Written complaints against staff	<10	8	1	2
Ensure consistency	4a. Inspection Reports submitted to managers will be reviewed and compared to the Officer File Review Form; 4b. inspection reports will meet the formatting criteria	10%/ 70%	28%/ 91%	5%/ 75%	10%/ 83%
	5. Major investigation files (those that result in a long form report) received by managers will meet the proper format when initially submitted	80%	Not avail.	58%	55%
Ensure timeliness	6.Work refusal investigations will be completed with a decision made in 10 calendar days from the beginning of the investigation	80%	97%	67%	100%
	7. Compliance orders will be complied with within the time frame specified in the order (includes extensions)	80%	65%	58%	56%
	8. Major (excluding prosecutions) investigation files (those that result in a long form report) will be submitted to managers within 6 months from the time of the original incident	80%	**	55%	47%
	9. Appeals to the Director will be decided within 6 months	80%	75%	44%	40%
	10. Drafts for publications (excluding laws) will be completed within one month of the start date.	80%	71%	20%	13%
Ensure effectiveness and efficiency	11. Orders appealed to the Director are upheld (where the Director has made a decision based on the merits of an order)	80%	50%	89%	75%
	12. Success rate in prosecutions (% of charged entities found Guilty on at least one charge divided by total number of charged entities with respect to which the judge made a decision. Includes summary offence tickets)	60%	83%	100%	87%*
	13. Investigation files will result in a Hazard Alert being issued	20%	0.1%	1%	0%
	14.Mandatory training for employees working in the Division for 12 months or more (includes retraining)	80%	35%	18%	35%
	15. Documents (excluding laws) prepared by the Division for public use will be at or below the Grade 9 reading level	80%	43%	60%	64%

** Data is not available.

* In the one decided case that did not result in a guilty verdict, the Judge ruled that fishing was federal jurisdiction and thus quashed all charges. In addition to the decided cases, all charges were withdrawn against 2 entities.

The Division's achievement of the Quality Objectives was mixed. Weaknesses have been highlighted to the Divisional management who are taking steps to either meet or revisit the targets as appropriate.

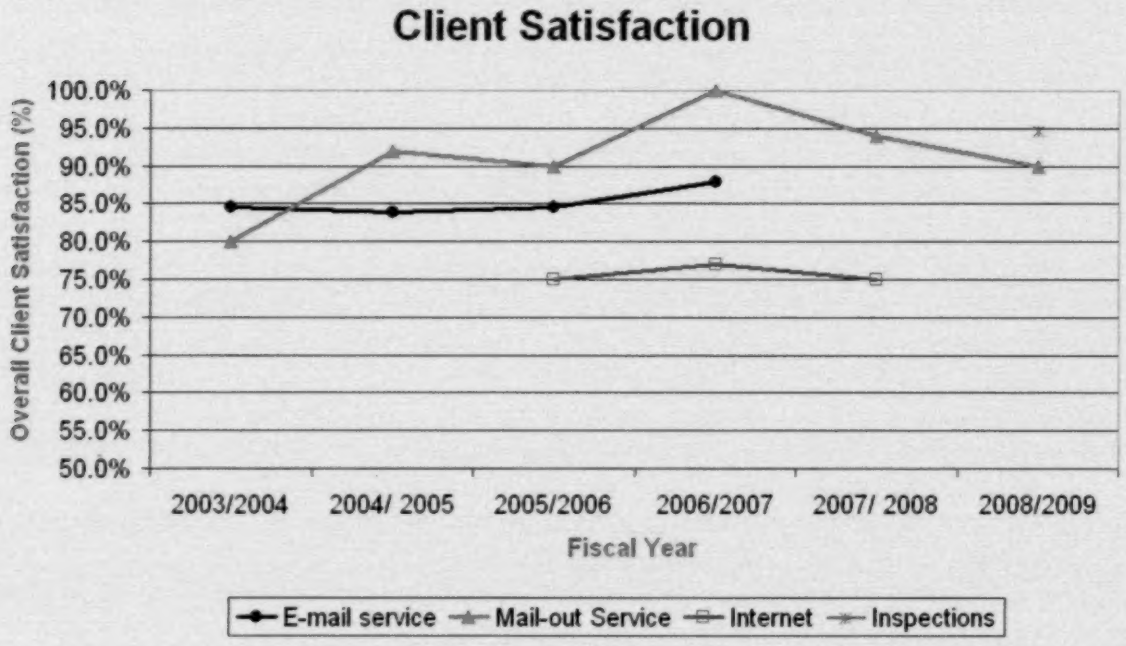
Client Satisfaction

The Division measures client satisfaction for four services:

1. the E-mail Question Service (whereby clients may send e-mails to the Division with questions on OH&S laws and receive an e-mailed answer);
2. the publications mail-out service; and
3. the Internet
4. inspections.

The current surveys gave the results below. Appendix D gives the details of the client satisfaction measures.

Due to operational issues, data for 2008/2009 e-mail and Internet satisfaction is not available.

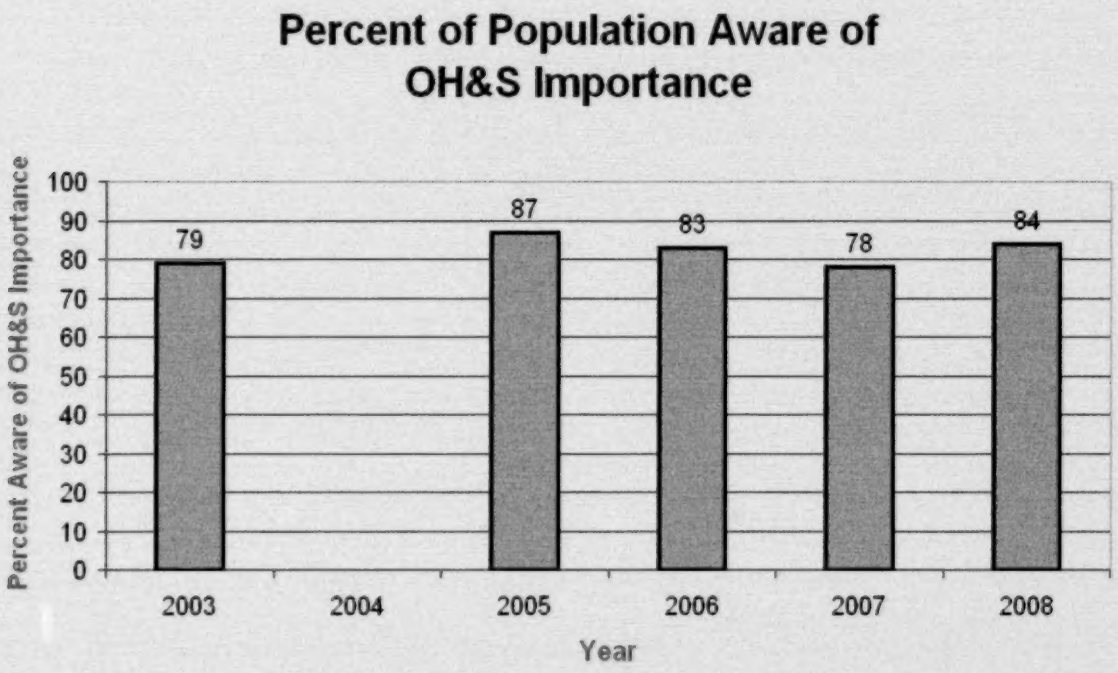


Outcomes and Outcome Measures Established Through the WSIS Process

The WSIS process establishes performance measures for its member agencies. These are reported in full in the 2008 WSIS annual report.

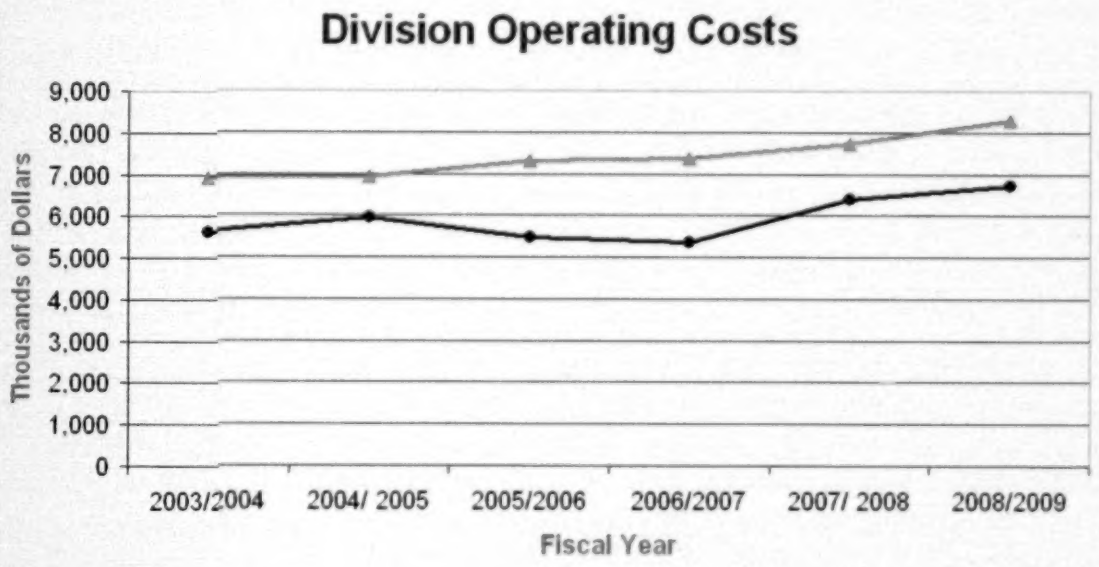
The measures relevant to the Division are already covered in previous performance measure sections, except for Stakeholder Awareness of Importance of OH&S..

The 2008 data for Stakeholder Awareness of Importance of OH&S is below:



The above graph's data is based upon surveys of Nova Scotians. Note that no survey was done in 2004.

Financial Highlights

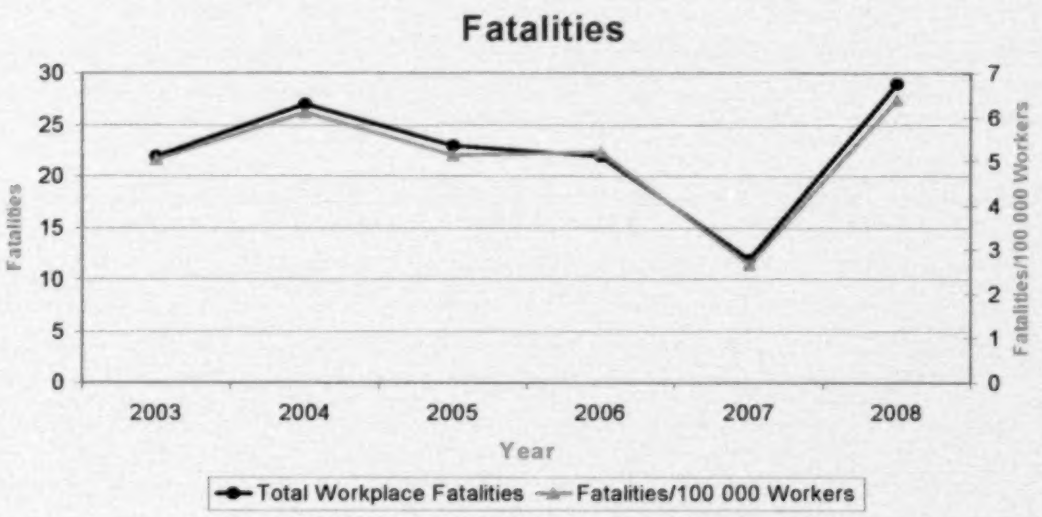


	2008/ 2009	2007/ 2008	2006/ 2007	2005/ 2006	2004/ 2005
Total Costs (actual $000)	6,727	6,381	5,361	5,475	5,958
Budget	8,299	7,732	7,357	7,309	6,921

The Division's revenue came from two major sources - a statutory transfer from the WCB and an amount from the Government's general funds.

Appendix E lists major funding contributions made by the Division.

Fatality Statistics



Description	Annual Data (calendar year)					5 Year Average
	2008	2007	2006	2005	2004	
*Fatalities Recorded During the Year	29	12	23	23	27	23
Number of Fatalities Reported per 100,000 Employees**	6.40	2.68	5.21	5.14	6.11	5.11

* A workplace fatality is counted by the Division where all of the following are met:

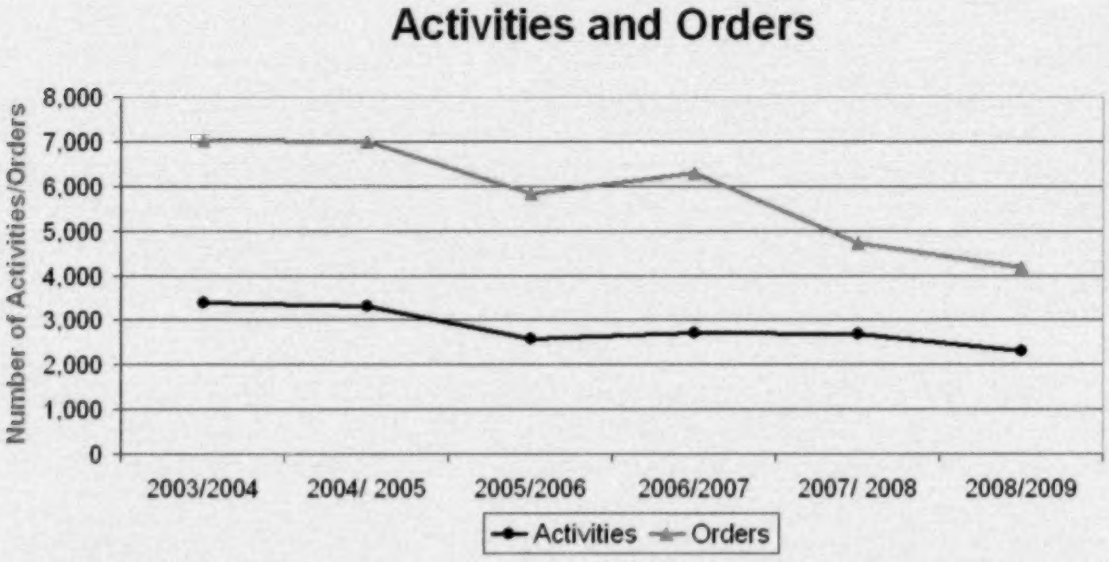
1. The injury that caused the fatality occurred at a place that meets the definition of a 'workplace'
2. At the time of the injury that caused the fatality, the deceased was:
   a. an employee of an organization,
   b. a self-employed person, or
   c. neither an employee nor a self-employed person but who, at the time of the fatality, was contributing to work at the workplace
3. The injury that caused the fatality occurred
   a. within the physical boundaries of Nova Scotia, or
   b. occurred outside the physical boundaries of Nova Scotia and involved an employee of an organization or a self-employed person governed by the NS OH&S legislation at the time of the injury that caused the fatality.

** Employment data from Statistics Canada.

Key Divisional Activity Statistics

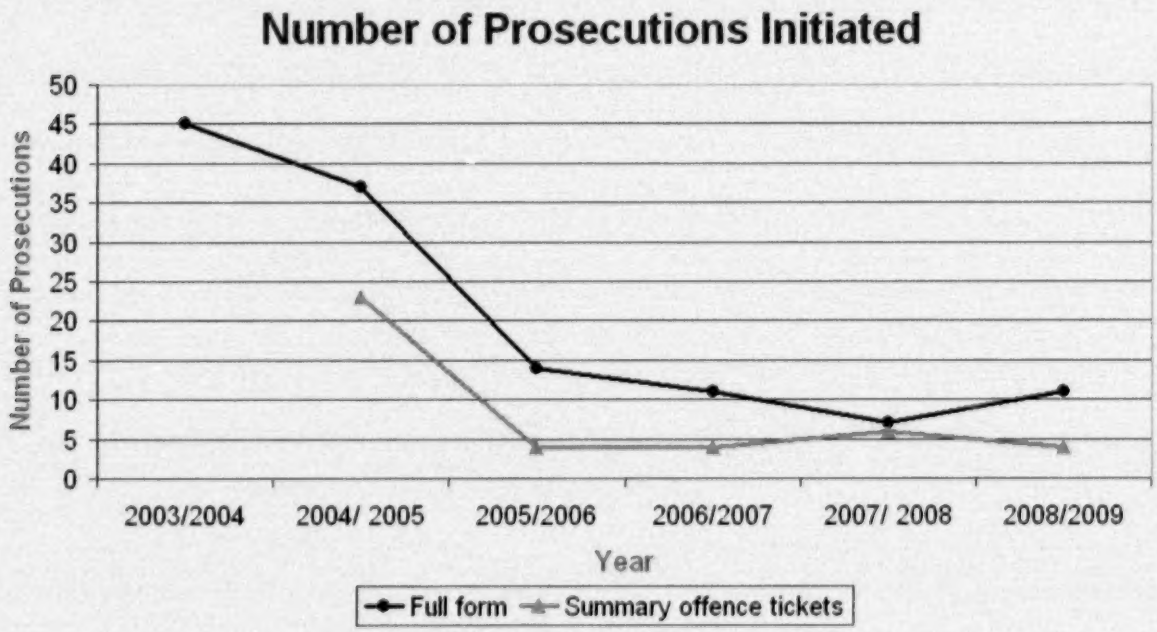
The below graph gives the number of activities undertaken and orders issued by the Division. Appendix F gives more detailed statistics, including breakdowns of:

1. Breakdown of activities by type
2. Breakdown of orders by law
3. Activities by Standard Industrial Classification
4. Complaint inspections by Standard Industrial Classification
5. Targeted inspections by Standard Industrial Classification
6. Orders by Standard Industrial Classification
7. Ratio of Activities to Orders by Standard Industrial Classification.



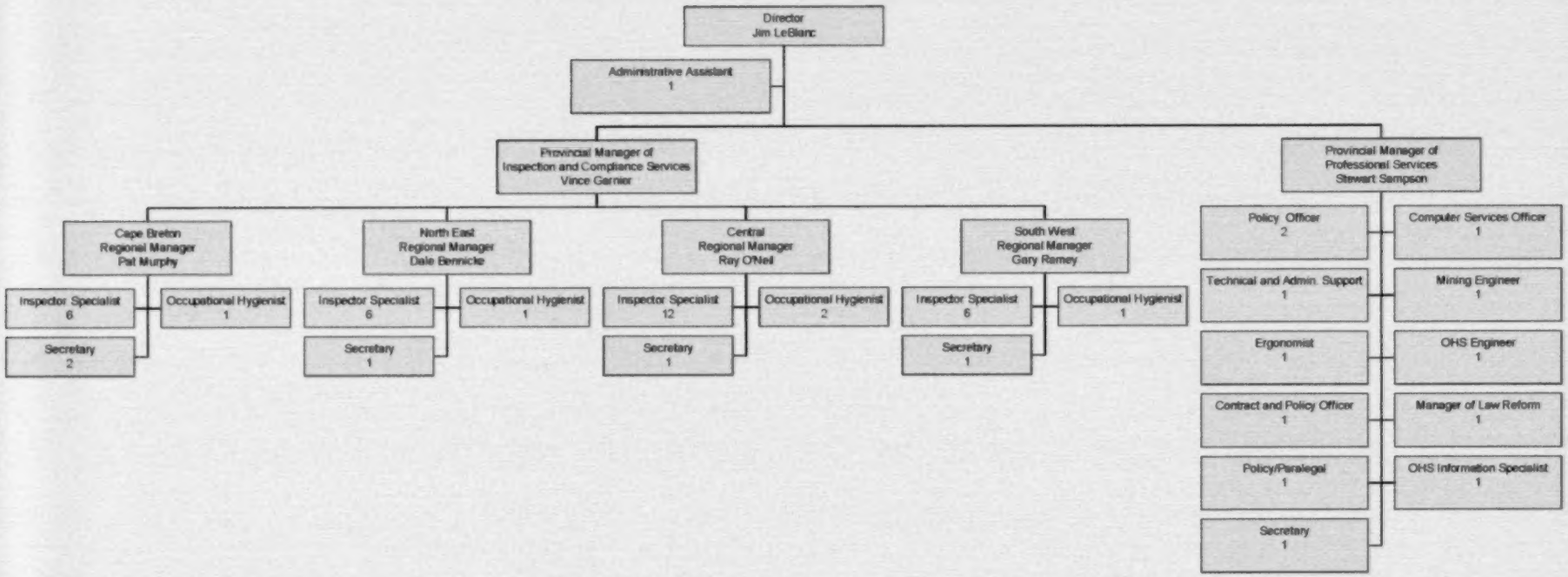
Prosecution Activity

The below graph gives the number of prosecution activities undertaken by the Division. Appendix G gives detailed statistics on cases decided.



Appendix A - Organizational Chart for the Division

As of March 31, 2009



Appendix B - Details of Internal Responsibility Checklists

Category	Description	%Yes		Average % Yes for Category	
		2008/ 2009	2007/ 2008	2008/ 2009	2007/ 2008
OH&S policy and program issues	OHS Policy developed	70.0%	68.1%	71.3%	68.9%
	OHS Program established	67.8%	72.4%		
	Procedures established	75.7%	71.8%		
	Reporting hazards provision	73.8%	71.2%		
	Emergency Procedure	74.7%	70.6%		
	Policy & procedures	75.5%	71.1%		
	Hazard ID System	72.2%	65.8%		
	Monitor hazards	74.1%	67.2%		
	Review policy/procedures	58.3%	61.6%		
JOHSC issues	JOHSC composition	73.3%	70.5%	67.1%	62.2%
	Worker JOHSC attendance	72.8%	60.2%		
	JOHSC established	77.9%	71.0%		
	Health & Safety Representative	51.3%	50.1%		
	JOHSC rules of procedures	60.2%	59.2%		
Communication and information	OHS Policy posted	57.8%	62.3%	59.0%	58.5%
	OHS Act posted	54.1%	57.1%		
	Division Number Posted	53.4%	57.3%		
	JOHSC Minutes posted	65.4%	59.3%		
	Rights/Resp posted	55.5%	56.0%		
	Regulations available	62.3%	58.3%		
	Orders displayed	60.9%	57.2%		
	JOHSC members displayed	62.4%	60.6%		
Training	Training Plan documented	70.1%	64.1%	63.4%	57.5%
	JOHSC trained	56.6%	50.9%		
Records	Hazard Materials list	63.9%	62.3%	69.0%	65.6%
	JOHSC records maintained	71.9%	67.4%		
	Maintain records & stats	71.2%	67.2%		

Appendix C - Details of 2007/2008 Business Plan Performance Measures

Measure: Average five-year composite duration of Workers' Compensation lost-time claim compared to the Atlantic Canada and national averages

Definition of Measure:

- The Workers' Compensation Board compiles accident duration data and number of accident claims. Each jurisdiction submits its statistics to a national association the Association of Workers' Compensation Board of Canada (AWCBC) who publishes comparative data based on the submitted information.
- Definition
  The estimated total number of calendar days compensated for short-term disability over the first five calendar years of duration/lifetime of a typical lost-time claim if current conditions are continued for the future years. Short-term disability benefits are all income benefits during the initial period after the injury, before the injury has stabilized, plateaued or consolidated.
- Calculation
  The composite method is the days paid in the reference year for each accident year, divided by the number of lost-time claims of the corresponding accident year, then the results are added together for the designated number of years. All short-term disability benefits related to income loss including rehabilitation benefits are included up to the point where long-term disability benefits commence. The current year plus four prior accident years are to be used in the calculation.

a = total number of compensable days paid for all compensable time loss claims in a given year
b = total number of time loss claims filed in a given year

Measure (days) $= (a_{(year)}/b_{(year)} + a_{(year-1)}/b_{(year-1)} + a_{(year-2)}/b_{(year-2)} + a_{(year-3)}/b_{(year-3)} + a_{(year-4)}/b_{(year-4)})$

Target = maintain or decrease the average number of compensable days relative to the Atlantic Canada average

Rationale for Selecting Measure:

- NSEL works with employers and employees to promote compliance with a legislative framework that is reflective of current workplace standards. By creating safe and healthy work environments, we minimize workplace hazards and risk, which reduces the likelihood of accidents resulting in workers compensation claims. This measure provides a system measure of injury severity, based on the assumption that the longer a worker is receiving benefits, the more severe the injury. It is important to note that claim duration may be influenced by factors other than severity of injury. Injury severity is a WCB system cost driver and is related to the effectiveness of return to work efforts and disability management. This measure tries to reflect the number of days lost from work.

Annual Data: (calendar year)	2000	2001	2002	2003	2004	2005	2006	2007	2008
Nova Scotia	85.5	102.4	94.2	100.5	107.7	114.0	105.0	102.0	95.0

Atlantic Canada	94.9	96.4	88.4	89.5	94.9	93.0	91.7	91.8	N/A
Canada	74.7	76.2	72.8	71.6	71.8	67.4	67.7	N/A	N/A

Description of Target, Trend, Comparison/Benchmark:
The target is calculated annually, based on the Atlantic Canada average number of compensable days. To meet the target in 2005, the five-year composite number of compensable days for all time loss claims in Nova Scotia must be equal to or less than the Atlantic Canada average.

The target has not been met on an annual basis since 2000.

The national average includes only those jurisdictions that report on the measure to the Association of Workers' Compensation Boards of Canada, from which this data comes.

Strategies to Achieve Target:
- work closely with WCB, through WSIS, to identify high accident firms, sectors and type of accidents
- work with the WCB, through WSIS, to increase OH&S promotion and education
- continue to develop a targeted risk-based inspection system which reflects claim duration.

Other Comments:
The Division operates on a targeted inspection system which is based on industry risks, accident rates and past experiences with an employer. The targeting criteria is designed by the WCB and is intended to take officers to work sites that are problematic and have an above average record of accidents and costs.

Measure: Annual average number of new registered WCB loss time claims per hundred estimated WCB registered employees compared to the Atlantic Canada and national averages

Definition of Measure:

- The WCB compiles statistics related to accident numbers. Each jurisdiction submits its statistics to a national association the Association of Workers' Compensation Board of Canada (AWCBC) who publishes comparative data based on the submitted information.
- **Definition**
  Number of new lost-time claims for assessable employers per 100 workers of assessable employers.
- **Calculation**
  a = total number of new lost-time claims for assessable employers
  b = estimated number of workers of assessable employers or self-employed workers opting for coverage. The reliability of the injury frequency is subject to limitations of its denominator, described in the calculation of the percentage of workforce covered.

Measure (claims /100 WCB covered employees) = 100 x (a/b)

Target = maintain or decrease the number of WCB loss time claims compared with the national average

Rationale for Selecting Measure:

To measure the risk of workplace injury for workers in each jurisdiction in terms of the proportion of workers who suffer a lost-time work injury.

The average number of registered WCB loss time claims per hundred employees reflects the number of workplace accidents occurring in WCB covered work sites. The measure allows government to monitor trends.

Data: (calendar year)	2000	2001	2002	2003	2004	2005	2006	2007	2008
Nova Scotia	3.4	3.2	3.1	3.0	3.1	3.0	2.8	2.6	2.5
Atlantic Canada	3.3	3.0	2.6	2.4	2.2	2.1	2.0	1.7	N/A
Canada	3.5	3.3	3.1	2.9	2.7	2.6	2.6	2.3	N/A

Description of Target, Trend, Comparison/Benchmark:
The target is revised annually, based on the data reported by all Canadian jurisdictions. To meet the target the number of registered WCB claims per 100 employees must be equal to or less than the national average.

Nova Scotia continued a 3-year decline in the injury rate. Due to the time lag for data to which compare Nova Scotia's recent performance, no comment is made on comparisons.

Strategies to Achieve Target:
- work closely with WCB, through WSIS, to identify high accident firms, sectors and type of accidents
- work with the WCB, through WSIS, to increase OH&S promotion and education
- continue to develop a targeted risk-based inspection system which reflects claim frequency.

Other Comments:
The Division operates on a targeted inspection system which is based on industry risks, accident rates and past experiences with an employer. The targeting criteria is designed by the WCB and is intended to take officers to work sites that are problematic and have an above average record of accidents and costs.

Measure: Annual percentage of targeted inspections where an OH&S order is not issued

Definition of Measure:

- The OH&S inspection system targets firms with accident experience and costs that are higher than the average for their industry sector.
- The measure is intended to identify the percentage of targeted employers who are inspected and do not receive an order as a result of that inspection, indicating that they are complying with the provisions of the occupational health and safety laws.

a = number of OH&S targeted inspections in the calendar year
b = number of OH&S targeted inspections for which no orders were issued

Measure (%) = 100 x (b/a) Target = increase the percentage from the base year measure

Rationale for Selecting Measure:

DEL promotes compliance with OH&S laws that reflect current workplace standards. Workplace inspections provide an opportunity to ensure compliance with these laws. If an officer finds a workplace is not in compliance with the laws, an order will be issued. Tracking the total number of targeted inspections where an order is not issued helps provide a picture of compliance levels within these targeted workplaces. From this measure the department can monitor trends in compliance levels.

Data: (calendar year)*	**2001**	**2002**	**2003**	**2004**	**2005**	**2006**	**2007**	**2008**
Nova Scotia	43.5%	57.5%	52.5%	36%	40%	33.5%	59.0%	82.5%

Description of Target, Trend, Comparison/Benchmark:
To meet the annual target, the percentage of inspections without orders must be greater than the base year measure of 43.5% (2001). The OHS Division's inspection activity continues to report, based on this measure, the failure of targeted workplaces to be in compliance with the regulated standards.

Strategies to Achieve Target:
- work closely with WCB, through WSIS, to identify high accident firms, sectors and type of accidents
- work with the WCB, through WSIS, to increase OH&S promotion and education
- continue to develop a targeted risk-based inspection system
- provide self-help resources to workplaces to improve compliance.

Other Comments:
The Division operates on a targeted inspection system which is based on industry risks, accident rates and past experiences with an employer. The targeting process is based on WCB data and is intended to take officers to work sites that are problematic and have an above average record of accidents and costs.

Appendix D - Details of Client Satisfaction Surveys

E-Mail Question Service Client Satisfaction:

Question	Percent of maximum score				
	2008/ 2009	2007/ 2008	2006/ 2007	2005/ 2006	2004/ 2005
The information answered my question.	N/A	N/A	85.33	81.8	83
The information was clear, concise and understandable.	N/A	N/A	85.33	82.4	82.9
The information was received within an acceptable time frame.	N/A	N/A	90.67	90.5	86.9
You are pleased with the service you received.	N/A	N/A	90.67	83.8	83
Average	**N/A**	**N/A**	**88.0**	**84.6**	**83.9**

Publications Mail-Out Service Client Satisfaction:

Question	2008/ 2009	2007/ 2008	2006/ 2007	2005/ 2006	2004/ 2005
Material received within an acceptable time (% Yes)	98	100	100	96	100
Correct material received (% Yes)	98	100	100	68	99
Friendliness (1-5 scale)	4.5	4.7	5.0	4.6	4.5
Laws well written (1-5 scale)	3.5	4.4	4.0	3.9	3.5
Laws interesting (1-5 scale)	3.0	3.0	3.4	3.6	3.7
Other materials well written (1-5 scale)	3.9	4.4	4.6	3.6	3.8
Other materials interesting (1-5 scale)	3.4	4.2	4.4	3.4	3.2
Overall satisfaction (1-5 scale)	4.5	4.7	5.0	4.5	4.6
% respondents self-identified as "Management"	70%	-	60%	32%	74%
% respondents self-identified as "JOHSC members"	51%	-	60%	61%	53%

- Result not available.
1 = Worst 5 = Best

Internet Satisfaction:

Question	2008/ 2009	2007/ 2008	2006/ 2007	2005/ 2006
How would you rate the site navigation?	N/A	73%	71%	65 %
How would you rate the site's visual appeal	N/A	75%	71%	66 %
How would you rate the ability to find what you want quickly?	N/A	66%	64%	41 %
How would you rate the site's search abilities?	N/A	50%	67%	50 %
How would you rate the site's overall usefulness?	N/A	75%	77%	75 %

Inspection Survey Results
for the period January-March 2009 only

Question	Percentage Satisfaction
1: Explained the inspection process	98
2: Explained Act and regulations	96
3: Satisfactorily answered my questions**	95.4
4: Encouraged me to give input and feedback	89.7
5: Inspection Report was understandable	91.7
6: Officer was professional throughout the inspection	100
7: Inspection overall helped to improve H&S	**100**
8: Order was clear as to what was needed to comply	**90.3**
9: Order allowed proper length of time to comply	**90.3**
Average	94.6

Improve Response to Client Requests For Service

In addition to surveys, the Division monitors the time required to respond to a complaint or an incident as a measure of client satisfaction. This parameter is measured through the length of time before the initial investigation of a complaint or incident by an OH&S officer. The length of time before the initial investigation of complaints or incidents by an OH&S officer is as follows:

	2008/ 2009	2007/ 2008	2006/ 2007	2005/ 2006	2004/ 2005
Number of complaints/incidents received	912	1,313	1,370	1,181	1,200
Average number of days between receipt of complaint/incident and start of inspection/investigation (if one is conducted)	8.5	14.8	7.9	8.75	8.71
Number of complaints/incidents for which no follow-up inspection was performed*	234	381	272	238	235

* While it is standard procedure for the Division to follow-up on all complaints and incidents, there are some for which this is not appropriate or possible. Such complaints and incidents include:

1) operation that was the subject of the complaint or incident is transient and was no longer in existence by the time an officer could investigate

2) complainant gives incorrect information which does not allow the operation that was the subject of the complaint or incident to be identified

3) the operation that was the subject of the complaint or incident or the matter complained of is within the jurisdiction of

I) the federal government

ii) the Labour Standards Division

iii) other government agency.

In such cases, the complaint or incident is referred to the appropriate agency for follow-up.

Appendix E - Funding Contributions

Canadian Centre for Occupational Health and Safety
The Canadian Centre for Occupational Health and Safety (CCOHS) is a Canadian federal government agency based in Hamilton, Ontario. It supports the vision of eliminating all Canadian work-related illnesses and injuries. As in past years, the Division contributed with other Canadian jurisdictions on a per capita basis to maintain the free Inquiry Service operated by the CCOHS.

Canadian Standards Association
The Canadian Standards Association is a not-for-profit membership-based association serving business, industry, government and consumers in Canada and the global marketplace. As in past years, the Division contributed with other Canadian jurisdictions on a per capita basis to develop a series of occupational health and safety related standards.

Safety Services Nova Scotia
Safety Services Nova Scotia (formerly called the Nova Scotia Safety Council) was founded in 1958, under the name "The Nova Scotia Highway Safety Council", as a private, non-profit, non-government organization, its mission is to make safety and health a way of life and to be the centre of excellence for safety and health. As in past years, the Division contributed base funding to allow SSNS to offer its annual conference which was held in March of 2007.

Nova Scotia Construction Safety Association
The Nova Scotia Construction Safety Association received a grant from the Minister of LWD's OH&S Public Education Trust Fund.

St. John Ambulance Canada
St. John Ambulance Canada received a grant from the Minister of Environment and Labour's OH&S Public Education Trust Fund.

Skills Nova Scotia
The Division gave a grant of money to Skills Canada - Nova Scotia in support of efforts to promote health and safety in the trades

Day of Mourning
The national Day of Mourning recognizes each April 28th as a day of reflection for people who have been injured or died at work. Again this year, the Province hosted the annual ceremony and reception at Province House.

North America Occupational Safety and Health Week
North American Occupational Safety and Health (NAOSH) Week is an annual event to draw attention to workplace health and safety. This year the OHS Division provided some funding and support to the events planned within the province.

Underground Coal Mining Safety Research Consortium
The Underground Coal Mining Safety Research Consortium funds health and safety-related research projects aimed at reducing incidents of all types at Canadian underground coal mines.

Nova Scotia Crime Stoppers Association

The Division gave a grant to the Nova Scotia Crime Stoppers Association.

Threads of Life

Threads of Life was given a grant from the Minister of LWD's OH&S Public Education Trust Fund.

Appendix F - Details of Divisional Activities

Tracked Activities

Tracked Activity	2008/2009	2007/2008	2006/2007	2005/2006	2004/2005
Division Field Activities					
Fatalities Investigated	29	12	10	16	16
Work Refusals Investigated	265	16	13	17	28
Inspections Coded Under Old System					
General Inspections	-	-	697	861	1,004
Targeted Inspections	-	-	363	201	448
Joint Inspections	-	-	2	3	9
Re-Inspections	-	-	348	347	512
Inspections Coded Under New Activities Tracking System					
Ad Hoc Inspections	356	879	-	-	-
Client Request	55	1	-	-	-
External Request	7	14	-	-	-
Internal Request	2	2	-	-	-
Re-Inspections	97	143	-	-	-
Targeted Inspections	282	266	-	-	-
Complaints Investigated	912	931	958	800	873
Incidents Investigated	200	370	284	286	350
Discriminatory Action Complaints	92	44	44	35	76
Total Field Activities	2,297	2,678	2,719	2,566	3,316
Field Staff Full-time Equivalents Available	25.0	31.0	29.8	30.0	30.0
Field Activities/Staff Member	92	86	91	86	111
Appeals					
Appeals of Officer Decisions	9	11	19	13	31
Appeals of Director Decisions	6	8	7	3	4
Total Appeals	15	19	26	16	35
Prosecutions					
Full-Form Prosecutions Initiated	11	13	11	14	37
Summary Offence Tickets Issued	4	5	4	4	23
Total prosecutions	**15**	**18**	**15**	**18**	**60**

* The power to issue summary offence tickets was not in place at this time.
** The categories of Inspections changed with the introduction of the new Activity Tracking System.

Orders Issued

Category	Number of Orders Issued				
	2008/ 2009	2007/ 2008	2006/ 2007	2005/ 2006	2004 / 2005
Orders Issued Under the Acts					
Stop Work Orders	68	95	108	103	109
Deviations Granted	44	38	39	9	22
Codes of Practice Required Under Act	19	66	30	37	8
Total OH&S Act Orders (including the 3 categories listed above)	1,183	1,349	1,876	1,996	2,366
Orders Issued Under the Regulations					
Blasting Safety Regulations	10	*	*	*	*
Fall Protection & Scaffolding Regulations	446	672	358	331	604
First Aid Regulations	439	586	775	636	696
General Blasting Regulations	***	0	12	22	29
Occupational Health Regulations	16	23	9	16	18
Occupational Safety General Regulations	1,491	1,648	2,603	2,291	2,621
Temporary Workplace Traffic Control Regs.	32	36	83	84	42
Underground Mining Regulations	45	7	9	14	57
Violence in the Workplace Regulations	229	104	**	**	**
WHMIS Regulations	288	286	542	389	475
Orders Issued Under Other Acts the Division Enforces					
Smoke-free Places Act	10	19	29	39	68
Smoke-free Places Regulations	0	2	0	1	15
Hazardous Products Act/Controlled Products Regulations* **	0	0	0	0	0
TOTAL	**4,189**	**4,732**	**6,296**	**5,819**	**6,991**

* Regulation did not exist at this time.
** The Hazardous Products Act and the Controlled Products Regulations do not include an "order"-writing process. In these cases, the equivalent federal processes that are tracked.
*** Regulations repealed.

Distribution of Divisional Activities by Industry (%)

Industry	SIC Range	2008/ 2009	2007/ 2008	2006/ 2007	2005/ 2006	2004 / 2005
Accommodation, Food, and Beverage	9000-9599	5.7	2.8	5.4	3.8	6.4
Agricultural and Related Services	0000-0299	0.3	1.2	1.9	2.5	1.9
Business Services	7700-7999	1.5	1.4	3.0	2.6	2.5
Communications	4800-4999	1.8	2.8	0.9	1.2	0.9
Construction	4000-4499	34.2	33.3	30.1	33.4	27.8
Education Services	8500-8599	0.0	0.4	0.6	0.7	1.0
Finance and Insurance	7000-7499	0.0	0.1	0.4	0.2	0.4
Fishing and Trapping	0300-0399	0.2	0.3	1.2	1.4	1.3
Government Services	8000-8499	4.8	3.2	6.3	6.4	6.0
Health and Social Services	8600-8999	6.6	4.8	5.6	3.5	5.0
Logging and Forestry	0400-0599	0.4	0.8	1.2	0.8	1.0
Manufacturing	1000-3999	17.0	13.0	16.1	15.6	15.8
Mining, Quarrying, and Oil	0600-0999	4.8	4.4	2.7	3.4	2.8
Other Services	9600-9999	3.1	3.9	3.8	5.2	4.8
Real Estate / Insurance	7500-7699	1.3	1.4	0.7	0.7	0.9
Retail Trade	6000-6999	12.1	19.0	13.3	11.4	13.5
Transportation and Storage Industries	4500-4799	1.1	1.9	1.7	2.3	2.2
Wholesale Trade	5000-5999	5.1	5.3	4.9	4.8	5.6

** Data not available from new Activity Tracking System at this time

Distribution of Complaint Inspections by Industry Type (%)

Industry	SIC Range	2008/ 2009	2007/ 2008	2006/ 2007	2005/ 2006	2004 / 2005
Accommodation, Food, and Beverage	9000-9599	8.6	0.0	3.5	3.6	5.1
Agricultural and Related Services	0000-0299	0.4	0.7	1.5	2.0	2.0
Business Services	7700-7999	2.5	3.2	4.9	3.6	3.2
Communications	4800-4999	2.5	3.2	0.9	1.0	2.0
Construction	4000-4499	36.7	39.6	37.2	37.0	41.8
Education Services	8500-8599	0.0	0.0	0.8	0.7	0.7
Finance and Insurance	7000-7499	0.0	0.2	0.7	0.5	0.3
Fishing and Trapping	0300-0399	1.6	0.7	0.7	1.7	0.8
Government Services	8000-8499	3.3	7.2	7..9	8.1	5.3
Health and Social Services	8600-8999	2.9	4.7	4.2	3.7	2.4
Logging and Forestry	0400-0599	0.8	1.1	1.0	0.9	0.9
Manufacturing	1000-3999	18.4	18.9	14.4	14.5	14.5
Mining, Quarrying, and Oil	0600-0999	2.5	1.8	1.9	2.1	0.5
Other Services	9600-9999	4.5	0.0	5.6	5.3	6.0
Real Estate / Insurance	7500-7699	0.8	1.6	1.5	1.5	2.3
Retail Trade	6000-6999	8.6	8.1	6.4	7.9	4.8
Transportation and Storage Industries	4500-4799	1.6	2.0	1.8	2.5	2.5
Wholesale Trade	5000-5999	4.5	7.0	4.5	3.6	4.6

** Data not available from new Activity Tracking System at this time

Distribution of Targeted Inspections By Industry (%)

Industry	SIC Range	2008/ 2009	2007/ 2008	2006/ 2007	2005/ 2006	2004/ 2005
Accommodation, Food, and Beverage	9000-9599	6.4	8.6	12.3	3.4	15.4
Agricultural and Related Services	0000-0299	1.7	0.8	1.0	2.4	1.6
Business Services	7700-7999	0.6	0.0	1.6	2.4	2.7
Communications	4800-4999	0.0	3.1	0.8	1.5	0.9
Construction	4000-4499	12.7	7.0	9.9	16.1	12.3
Education Services	8500-8599	0.0	0.0	0.3	0.0	0.0
Finance and Insurance	7000-7499	0.0	0.0	0.3	0.0	0.7
Fishing and Trapping	0300-0399	0.0	1.6	2.1	2.9	1.3
Government Services	8000-8499	3.5	3.9	4.2	5.4	5.1
Health and Social Services	8600-8999	17.3	10.2	13.8	7.3	9.2
Logging and Forestry	0400-0599	0.0	3.1	2.3	0.5	1.8
Manufacturing	1000-3999	24.3	4.7	19.8	22.4	16.5
Mining, Quarrying, and Oil	0600-0999	0.0	2.3	1.3	0.0	0.9
Other Services	9600-9999	2.3	2.3	3.1	8.3	3.8
Real Estate / Insurance	7500-7699	1.7	3.1	0.8	0.0	0.2
Retail Trade	6000-6999	22.5	41.4	18.0	17.1	17.9
Transportation and Storage Industries	4500-4799	0.0	0.8	3.4	2.0	3.8
Wholesale Trade	5000-5999	6.9	7.0	4.4	8.3	5.8

Distribution of Orders By Industry (%)

Industry	SIC Range	2008/ 2009	2007/ 2008	2006/ 2007	2005/ 2006	2004 / 2005
Accommodation, Food, and Beverage	9000-9599	10.6	4.6	6.4	4.2	9.4
Agricultural and Related Services	0000-0299	1.3	0.5	1.1	2.4	0.7
Business Services	7700-7999	1.7	0.6	1.9	2.7	2.2
Communications	4800-4999	2.0	3.7	0.8	0.6	0.4
Construction	4000-4499	27.1	31.4	21.8	32.6	24.5
Education Services	8500-8599	0.0	0.0	0.5	0.4	0.6
Finance and Insurance	7000-7499	0.0	0.0	0.5	0.1	0.3
Fishing and Trapping	0300-0399	0.3	0.0	0.6	0.9	0.7
Government Services	8000-8499	2.9	3.2	2.9	4.6	2.7
Health and Social Services	8600-8999	1.2	2.9	3.8	1.9	3.0
Logging and Forestry	0400-0599	1.2	0.5	0.8	0.8	1.0
Manufacturing	1000-3999	17.8	12.3	19.1	15.0	16.6
Mining, Quarrying, and Oil	0600-0999	5.9	1.0	3.1	2.3	2.9
Other Services	9600-9999	3.6	4.8	3.7	5.1	4.7
Real Estate / Insurance	7500-7699	0.5	1.1	0.5	0.4	1.3
Retail Trade	6000-6999	13.6	24.1	22.4	18.0	18.9
Transportation and Storage Industries	4500-4799	0.2	1.3	1.1	2.0	2.6
Wholesale Trade	5000-5999	10.2	8.1	8.4	5.9	7.2

Ratio of Orders to Activities by Industry

Industry	SIC Range	2008/ 2009	2007/ 2008	2006/ 2007	2005/ 2006	2004 / 2005
Accommodation, Food, and Beverage	9000-9599	1.9	1.7	1.7	1.4	1.5
Agricultural and Related Services	0000-0299	4.3	0.4	0.4	0.4	0.4
Business Services	7700-7999	1.1	0.4	0.4	0.6	0.9
Communications	4800-4999	1.1	1.3	1.3	0.6	0.4
Construction	4000-4499	0.8	0.9	0.9	0.6	0.9
Education Services	8500-8599	-	0.0	0.0	0.7	0.6
Finance and Insurance	7000-7499	-	0.0	0.0	2.0	0.8
Fishing and Trapping	0300-0399	1.5	0.0	0.0	0.4	0.5
Government Services	8000-8499	0.6	1.0	1.0	0.4	0.5
Health and Social Services	8600-8999	0.2	0.6	0.6	0.9	0.6
Logging and Forestry	0400-0599	3.0	0.7	0.7	0.9	1.0
Manufacturing	1000-3999	1.0	0.9	0.9	1.0	1.1
Mining, Quarrying, and Oil	0600-0999	1.2	0.2	0.2	0.8	1.0
Other Services	9600-9999	1.2	1.2	1.2	0.6	1.0
Real Estate / Insurance	7500-7699	0.4	0.8	0.8	0.6	1.4
Retail Trade	6000-6999	1.1	1.3	1.3	1.6	1.4
Transportation and Storage Industries	4500-4799	0.2	0.7	0.7	0.4	1.2
Wholesale Trade	5000-5999	2.0	1.5	1.5	1.5	1.3

Appendix G - Prosecution Details

Prosecution Breakdown

Parameter	Charges Decided				
	2008/ 2009	2007/ 2008	2006/ 2007	2005/ 2006	2004 / 2005
Full Form Prosecutions Decided	14	10	10	25	45
Full Form Charges Decided					
Guilty	14	14	8	12	57
Not guilty	3	0	0	0	6
Dismissed	4	0	0	14	13
Withdrawn	19	20	28	17	51
Stayed	5	0	0	0	0
Quashed	0	0	7	0	2
Total	**45**	**34**	**43**	**43**	**129**
Summary Offense Tickets (SOT) Decided[1]	9	5	7	5	20
Guilty	9	5	6	3	16

[1] Summary Offence Tickets that go to trial are still counted as Summary Offence Tickets; not in the Full Form Prosecution

Case by Case results (Full Form Prosecutions - Guilty Only)

Accused	Charges Decided in 2008/2009	Total penalty
Town of New Glasgow	OSGR 166(1) & OHSA 74(1)(a) OSGR 167 & OHSA 74(1)	$78,750
Tricell Construction Ltd.	FPSR 14(2) &13(1) & OHSA 74(1)(a)	$40,200
A.W. Leil Cranes and Equipment (1986) Limited, and A.W Leil Holdings Limited	OSGR 58(d) & OHSA 74(1)(a) OSGR 75(4) & OHSA 74(1)(a)	$78,750
Nova Scotia Power Inc.	FPSR 7(1) & OHSA 13(1)	$43,750
Settle's Auto Repair Ltd.	OSGR 72(1)(e) OSGR 73 (4)(a)	$8,225
MacDonell Welding & Metal Working Limited, of Upper Nine Mile River	OHSA 13(1)(b)	$14,375
Acadia Drywall Supplies Ltd.	OHSA 13(1)(c)	$18,400
Community Services (Nova Scotia)	OHSA 13(1)(a)	$10,000
Rafe's Construction Limited	FPSR 23(1)	$3,450
Carmen Willard Carter	FPSR 26(1)	$1,200
Thermo-Cell Industries	OHSA 13(1)(b)	$9,075

Guilty Summary Offence Ticket Verdicts

Accused	Charges Decided in 2008/2009	Total penalty
Dover Cranes and Lifts Inc	OHSA 74(1)(b)(I)	$807
Armour Construction Ltd	OHSA 74(1)(b)(I)	$807
R. Fraser Construction Ltd	OHSA 56(1)	$457
R. Fraser Construction Ltd	OHSA 56(1)	$457
3228355 Nova Scotia Limited operating as the Ibiza Restaurant	FAR 5(3)(a)	$807
3228355 Nova Scotia Limited operating as the Ibiza Restaurant	FAR 5(3)(a)	$807
3228355 Nova Scotia Limited operating as the Ibiza Restaurant	OHSA 27(1)(a)	$807
3228355 Nova Scotia Limited operating as the Ibiza Restaurant	OSGR 25(2)	$807
3228355 Nova Scotia Limited operating as the Ibiza Restaurant	VWR 7(1)	$807

* Summary Offence Tickets that go to trial may have the penalty amount of the fine varied by the Judge

Appendix H - Other Items Included as Information

Public Information

As part of the Division's mission "To establish, promote and enforce clear standards to reduce occupational injury and illness", the Division maintains a strong effort to continuously promote and increase client awareness of OH&S in general and OH&S laws specifically. This effort includes:

1. support for other major events like:
   a. North American Occupational Safety and Health Week
   b. the Safety Services Nova Scotia Annual Conference (for which the Division was a Platinum sponsor in 2008)
   c. the National Day of Mourning and Davis Day
2. an inquiry/question answering service accessible either through a toll-free call or the Internet
3. a large and frequently-visited Internet site
4. alone or in concert with our partners, free courses on OH&S laws and other topics
5. participation on a wide range of stakeholder committees
6. contributing to the funding for the Inquiry Service of the Canadian Centre for Occupational Health and Safety
7. special initiatives, such as the workshops on workplace violence and the IRS and province-wide seminars on workplace violence.

The Division also launched a broadcast e-mail system called "OHS News". Six e-mails were sent in 2008/2009, with a readership growing from 105 recipients for the first e-mail to 426 recipients for the last one in this fiscal year.

	2008/ 2009	**2007/ 2008**	**2006/ 2007**	**2005/ 2006**	**2004 / 2005**
# Toll Free Calls Received	2,472	4,393	2,928	3,685	4,240
# Inquiries Received	1,480	646	462	1,909	2,870
Broadcast e-mails sent	6	*	*	*	*
Broadcast e-mail recipients (as of March 31)	426	*	*	*	*

Broadcast e-mail service did not exist.

Partnerships

Workplace Safety and Insurance System

Within WSIS, a number of committees addressed issues and defined initiatives. These included:

1. Coordinating Committee, made up of the Deputy Minister of the Department of Environment and Labour and the Chair of the WCB
2. Head of Agencies Committee, made up of the operational heads of the four main WSIS partners
3. System Goals Advisory Committee, made up system stakeholders and representatives of the WSIS partners.

In partnership with the WSIS partners, the Division participated in:

1. The fifth annual general meeting for WSIS,
2. The continued implementation of the WSIS strategic plan,
3. Continuing work to integrate the business planning cycle of the agencies,
4. The support of an Internet site dedicated to WSIS,
5. Social marketing and advertising campaigns aimed at raising awareness about workplace safety.

Significant Committee Activities, Events and Projects

The Division participated on the following major committees:

1. the OH&S subcommittee of the Canadian Association of Administrators of Labour Law (CAALL-OSH)
2. Canadian Standards Association technical committees on:
   a. the OH&S ergonomics standard
   b. head protection
   c. machine guarding
   d. occupational diving
3. Farm Safety Committee
4. Forestry Safety Committee
5. North American Occupational Safety and Health Week Planning Committee.

The Division participated in the following major events:

1. the WSIS annual general meeting
2. North American Occupational Health and Safety Week
3. The National Day of Mourning
4. Davis Day ceremonies
5. the Safety Services Nova Scotia annual conference.

The Division actively participated on the stakeholders' working group and also the regulatory committee that saw the Temporary Workplace Traffic Control manual updated. The new manual will be distributed in May, 2009.)